



IFW

Appl. No. : 10/808,686  
Confirmation No. : 6069  
Applicant : Kenneth A. Bradenbaugh  
  
Filed : March 25, 2004  
Title : WATER HEATER AND  
METHOD OF CONTROLLING  
THE SAME

I, Holly Rhodes, hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date of my signature.

Holly Rhodes  
Signature  
8/4/05  
Date of Signature

TC/A.U. : 3742  
Examiner : Thor S. Campbell  
  
Docket No. : 010121-9828-02  
  
Customer No. : 23409

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

### RESPONSE TO RESTRICTION REQUIREMENT

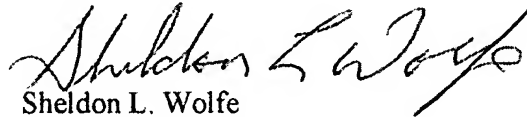
Sir:

The Office subjected the originally filed claims to a restriction and/or election requirement on March 10, 2005. Applicants elected Species A on April 8, 2005. According to the Office at the time, claims 1-17, 18-62, and 103-127 read on the elected species and claims 1-17 were generic.

The Office is now subjecting the originally filed claims to a second restriction and/or election requirement. In addition to the previous election/restriction, the Office is now stating there is no generic claim and Species A is subjected to an additional subspecies election. Applicants elect Subspecies I: Gas water heater and method of controlling same. Applicant asserts, from the claims of Species A, claims 1-62, 103, 105-115, and 117-127 read on the elected subspecies.

An action on merits of claims 1-62, 103, 105-115, and 117-127 is respectfully requested.

Respectfully submitted,

  
Sheldon L. Wolfe  
Reg. No. 43,996

Docket No.: 010121-9828-02

Michael Best & Friedrich LLP  
100 East Wisconsin Avenue, Suite 3300  
Milwaukee, Wisconsin 53202-4108  
(414) 271-6560